

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BERNARD RIMPEL, M.D.,

Plaintiff,

-against-

17-CV-06867 (NGG) (PK)

ADVANTAGECARE PHYSICIANS, P.C.,

Defendant.
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MICHAEL C. SCHMIDT, declares under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney admitted to practice before this Court, and am a member of the law firm of Cozen O'Connor, counsel for Defendant AdvantageCare Physicians, P.C. in the above-captioned action. I respectfully submit this declaration in support of Defendant's instant motion for an order granting summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure and dismissing the Complaint in its entirety.

2. I have annexed hereto true and accurate copies of the following exhibits in support of Defendants' motion:

Exhibit A. Plaintiff's complaint

Exhibit B. Defendant's answer.

Exhibit C. Plaintiff's employment agreement.

Exhibit D. Excerpts from the transcript of Plaintiff's deposition.

Exhibit E. Excerpts from the transcript of Allen Boxbaum's deposition.

Exhibit F. Excerpts from the transcript of Nicolle Comefero's deposition.

Exhibit G. August 2015 performance improvement plan.

Exhibit H. October 2016 termination notice.

Exhibit I. Statistics re: subsequent company-wide reduction in force.

Exhibit J. Audit document.

Dated: New York, New York
May 28, 2019



Michael C. Schmidt (MS 7841)